



DEBRA BOWEN

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Did ES&S Sell Uncertified Voting Equipment To California Counties?

Secretary of State Bowen Sets Hearing to Investigate Company

SACRAMENTO – Secretary of State Debra Bowen today announced she has set a public hearing for September 20, 2007, to examine whether Election Systems & Software, Inc. (ES&S) sold uncertified voting machines to as many as five California counties.

“ES&S sold nearly 1,000 voting machines in California without telling the counties that bought them that they had never been certified for use in this state,” said Secretary Bowen, the state’s chief elections officer. “Given that each machine costs about \$5,000, it appears ES&S has taken \$5 million out of the pockets of several California counties that were simply trying to follow the law and equip their polling places with certified voting machines.”

The ES&S AutoMARK Version 1.0, also known as Phase One or Model A100, is an electronic ballot-marking device that the Secretary of State certified for use in California in August 2005. According to information provided by the counties to the Secretary of State, 14 counties (Amador, Calaveras, Colusa, Contra Costa, Marin, Merced, Sacramento, San Francisco, San Luis Obispo, Santa Barbara, Siskiyou, Solano, Stanislaus and Tuolumne) use the AutoMARK to comply with the Help America Vote Act (HAVA) requirement to provide at least one machine in each polling place so voters with disabilities can cast ballots independently.

However, according to information obtained by Secretary Bowen, ES&S sold AutoMARK Version 1.1, also known as Phase Two or Model A200, to five of those counties (San Francisco, Colusa, Marin, Merced and Solano) in 2006. ES&S had never submitted Phase Two, a version that is substantially different from the state-certified AutoMARK Phase One, to the California Secretary of State for certification. Furthermore, ES&S delivered hundreds of AutoMARK Phase Two machines to California counties months before the model’s August 2006 federal certification.

“Not only did ES&S sell machines to California counties that weren’t state certified, it’s clear the machines weren’t even federally certified when the company delivered them to California,” Bowen continued. “While ES&S may not like California law, I expect the company to follow the law and not trample over it by selling uncertified voting equipment in this state.”

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